IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 12511 of 2004

Between:

A.T.Venkata Ramana Rao, S/o Sri Venkateswara Rao,
R/o Velagaleru Village, G.Konduru Mandal, Krishna District

..... PETITIONER

AND

1 The District Collector, Krishna at Machilipatnam
2 The Revenue Divisional Officer, Vijayawada
3 The Mandal Revenue Officer, G.Konduru Mandal, G.Konduru
4 The Assistant Commissioner, Endowments, Opp.Old Bus Stand, Vijayawada
5 Sri Venugopalaswamy Vari Devasthanam, rep.by Executive Officer, Opp: Old Bus Stand, Vijayawada

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction in the nature of Mandamus, declaring the inaction of the respondents to consider the representation of the petitioner and others dated 9-1-2004 and drop the proposed land acquisition proposals in respect of the land of an extent of Ac.4.04 cents situated in S.No.388/2 of Velagaleru Village, Krishna District belonging to the 5th respondent temple as arbitrary, illegal, capricious, malafide and violative of all cannons of law and justice and pass such other order or orders in the interest of justice.

Counsel for the Petitioner:MR.T.S.ANAND

Counsel for the Respondents 1 to 3: GP FOR LAND ACQUISITION
Counsel for the Respondent No.4: GP FOR ENDOWMENTS
For the Respondent No.5: Smt N.INDRANI, STANDING COUNSEL for Temples

The Court at the stage of admission made the following ORDER:

Petitioner, who is claiming to be a devotee of the fifth respondent temple, filed the present writ petition questioning the notifications issued by the first respondent under Sections 4(1) and 6 of the Land Acquisition Act (for short "the Act") and the same were published in the gazette on 15-11-2003 and 18-11-2003 respectively.

The petitioner and others said to have made a representation to the first respondent on 09-01-2004 protesting against the acquisition of land of the fifth respondent but no action has been taken in the matter so far by the first respondent. As per the averments made in the affidavit filed by the petitioner, the award enquiry has been initiated and notice under Section 12(2) of the Act on 03-02-2004 was issued. Since the officials of the Endowment Department have not objected for issuance of the notification under Section 4(1) of the Act for such acquisition, petitioner has no locus standi to question the land acquisition notification that too after passing the award and issuance of the notice under Section 12(2) of the Act. In that view of the matter, if the petitioner has any interest to safeguard the interests of the temple, he can see that the amount awarded shall be deposited in a nationalized bank and out of the income derived from the said deposited amount, necessary poojas will be conducted in the fifth respondent temple.

With the above observation, the writ petition is disposed of. No costs.

20th JULY, 2004.

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To

1 The District Collector, Krishna at Machilipatnam
2 The Revenue Divisional Officer, Vijayawada
3 The Mandal Revenue Officer, G.Konduru Mandal, G.Konduru
4 The Assistant Commissioner, Endowments, Opp.Old Bus Stand, Vijayawada

5 The Executive Officer, Sri Venugopalaswamy Vari Devasthanam, Opp: Old Bus Stand, Vijayawada

6 Two CCs to the Government Pleader for Land Acquisition, A.P.High Court Buildings, Hyderabad.(OUT)

7 Two CCs to the Government Pleader for Endowments, A.P.High Court Buildings, Hyderabad.(OUT).

8 Two CD copies.